

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
Greenbelt Division**

VINCENT HARDICK,

Plaintiff,

v.

BYTEGRID MANAGEMENT SERVICES LLC,

and

BYTEGRID HOLDINGS LLC,

Defendants.

Civil Action No. _____

NOTICE OF REMOVAL

ByteGrid Management Services LLC and ByteGrid Holdings LLC (“Defendants”), pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, file this Notice of Removal of a civil action from the Circuit Court for Anne Arundel County, Maryland, and in support, state the following grounds for removal:

1. On or about March 1, 2019, Plaintiff Vincent Hardick (“Hardick”) filed a Complaint against Defendants in the Circuit Court for Anne Arundel County, Maryland, in which he brings claims for wrongful discharge, breach of contract, declaratory judgment – restrictive covenants, and declaratory judgment-termination.

2. In accordance with 28 U.S.C. § 1446(a), a true and correct copy of all process, pleadings, documents, and orders of which Defendants are aware are attached as the following exhibits:

- Exhibit 1: Complaint and Employment Agreement (attached as an exhibit to the Complaint)

- Exhibit 2: Anne Arundel County Civil Case Information Sheet
- Exhibit 3: Writ of Summons to ByteGrid Holdings LLC
- Exhibit 4: Service of Process Transmittal to ByteGrid Holdings LLC
- Exhibit 5: Notice of Filing Notice of Removal (to be filed in the Anne Arundel Circuit Court)

3. Defendants' time to respond to the Summons and Complaint by responsive pleading has not yet expired.

4. No Defendant has served or filed a responsive pleading to the Complaint or appeared in any proceeding related to the Complaint.

5. Pursuant to 28 U.S.C. § 1446(b), "[t]he notice of removal of a civil action or proceeding shall be filed within 30 days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based, or within 30 days after the service of summons upon the defendant if such initial pleading has then been filed in court and is not required to be served on the defendant, whichever period is shorter." *See Murphy Brothers, Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344 (1999).

6. Defendants timely file this Notice of Removal as required by 28 U.S.C. § 1446(b) as Defendants were served with process on March 22, 2019 and this Notice of Removal has been filed within the prescribed thirty-day limit.

7. Both Defendants consent to the filing of this Notice.

8. Defendants submit this Notice without waiving any defenses to the claims asserted by Hardick or conceding that Hardick has pled claims upon which relief can be granted.

9. Removal of this case is proper under 28 U.S.C. § 1441(a), which provides in part that “any civil action brought in a State court of which the district courts of the United States have original jurisdiction may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.”

10. The civil action is within the original jurisdiction of this Court based on diversity of citizenship pursuant to 28 U.S.C. § 1332. Apparent on the face of Plaintiff’s Complaint, complete diversity of citizenship exists between Plaintiff and Defendants. Specifically, Plaintiff is an individual and citizen of the State of Maryland, Defendants are corporations with principal places of business in the Commonwealth of Virginia, and Plaintiff seeks monetary relief over \$75,000. *See* Ex. 1, Pl.’s Compl. at ¶¶ 3-5, 43.

11. Venue is appropriate in this Court pursuant to 28 U.S.C. § 1441(a). The Circuit Court for Anne Arundel County, Maryland is located within this District.

12. Therefore, this Court has jurisdiction over this case and removal is proper pursuant to 28 U.S.C. §§ 1332 and 1441.

13. Contemporaneously with this filing, Defendants are also filing a Notice of Filing of Notice of Removal with the Clerk of the Circuit Court for Anne Arundel County, Maryland, as required by 28 U.S.C. § 1446(d). A true and correct copy of the Notice of Filing of Notice of Removal is attached as Exhibit 2. Promptly upon this filing, Defendants will give written notice of the removal of this action to Hardick by serving him as further required by 28 U.S.C. § 1446(d).

WHEREFORE, Defendants respectfully request that this action be removed from the Circuit Court for Anne Arundel County, Maryland to the United States District Court for the District of Maryland.

Respectfully submitted,

JACKSON LEWIS P.C.

Dated: April 19, 2019

By: /s/ Teresa Burke Wright

Teresa Burke Wright (Federal Bar No. 08602)

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Counsel For Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on April 19, 2019, a true and correct copy of the foregoing was filed by using the Court's electronic filing system and was served by U.S. mail, postage prepaid, upon the following:

Timothy F. Maloney, Esq.
Alyse L. Prawde, Esq.
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/s/ Teresa Burke Wright

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